

NO. 61950

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 14 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 08 1996

The applicant Gene Kohltfarber and Julia A. Kohltfarber, hereby makes application for permission to change the place of use and the manner of use of a portion of water heretofore appropriated under Truckee Carson Irrigation District Serial No. 528-1-2, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in the Federal District Court of Nevada.

1. The source of water is Truckee and Carson Rivers
2. The amount of water to be changed 100.76 acre-feet (33.70 acres @ 2.99 acre-feet per acre)
3. The water to be used for Maintenance of Wetlands for Recreation and Wildlife/Storage
4. The water heretofore permitted for As decreed.
5. The water is to be diverted at the following point Lahontan Dam, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T19N, R26E, M.D.B.&M.
6. The existing permitted point of diversion is located within No change.
7. Proposed place of use 77,364 acres - more or less - as described in Exhibit A, and as shown on map for File No. 57748, which map is incorporated by reference.
8. Existing place of use 33.70 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T19N, R28E, M.D.B.&M.
9. Use will be from As decreed.
10. Use was permitted from As decreed.
11. Description of proposed works No new diversion or storage works on the Truckee River and the Carson River will be constructed.
12. Estimated cost of works N/A
13. Estimated time required to construct works N/A
14. Estimated time required to complete the application of water to beneficial use 1 year
15. Remarks: Applicant expressly reserves the right to transfer in a later proceeding: 0.51 acre-feet for each of the 33.70 acres from which the 2.99 acre-feet per acre are to be transferred by this application.

By s/ Richard P. Grimes
Richard P. Grimes, Sr. Realty Specialist
U.S. Fish and Wildlife Service
P.O. Box 1236
Fallon, NV 89407-1236

Compared cl/jk cl/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place and manner of use of a portion of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water right were still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370, subsection 1(b).

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of this permit expires Permit No. 61951-T.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 100.76 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

August 8, 1997

Proof of completion of work shall be filed before:

September 8, 1997

Application of water to beneficial use shall be filed on or before:

August 8, 1999

Proof of the application of water to beneficial use shall be filed on or before:

September 8, 1999

Map in support of proof of beneficial use shall be filed on or before:

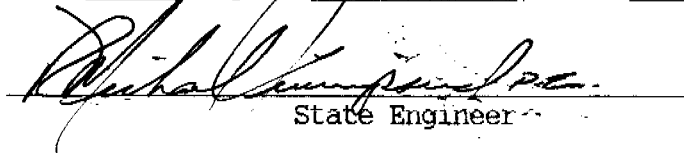
N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of August, A.D. 1996


State Engineer

Completion of work filed OCT 10 1996

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

EXHIBIT A

PROPOSED PLACE OF USE
APPLICATION TO CHANGE NEWLANDS PROJECT WATER RIGHT

The proposed place of use is the Stillwater National Wildlife Refuge, consisting of 77,364 acres, more or less, in:

Township 21 North, Range 32 East, Mount Diablo Meridian

Section 2, all;
Section 3, all;
Section 4, all;
Section 5, all;
Section 6, all;
Section 7, all;
Section 8, all;
Section 9, all;
Section 10, all;
Section 11, all;
Section 14, all;
Section 15, all;
Section 16, all;
Section 17, all;
Section 18, all;
Section 19, all;
Section 20, all;
Section 21, all;
Section 22, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, all;
Section 31, all;
Section 32, all;
Section 33, all;
Section 34, all;

Township 21 North, Range 31 East, Mount Diablo Meridian

Section 1, all;
Section 2, all;
Section 3, all;
Section 4, all;
Section 5, all;
Section 6, all;
Section 7, Lot 1, Lot 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Section 8, all;
Section 9, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 10, all;

Township 21 North, Range 31 East, Mount Diablo Meridian (cont'd)

Section 11, all;
Section 12, all;
Section 13, all;
Section 14, all;
Section 15, all;
Section 16, all;
Section 17, S½;
Section 18, all;
Section 19, Lot 3, Lot 4, E½SW¼, SE¼;
Section 20, all;
Section 21, all;
Section 22, all;
Section 23, all;
Section 24, all;
Section 25, all;
Section 26, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, all;
Section 31, all;
Section 32, all;
Section 33, all;
Section 34, all;
Section 35, all;
Section 36, all;

Township 20 North, Range 32 East, Mount Diablo Meridian

Section 3, all;
Section 4, all;
Section 5, all;
Section 6, all;
Section 7, all;
Section 8, all;
Section 9, all;
Section 10, all;
Section 16, all;
Section 17, all;
Section 18, all;
Section 19, all;
Section 20, all;
Section 21, all;
Section 29, all;
Section 30, all;

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Township 20 North, Range 31 East, Mount Diablo Meridian

Section 1, all;
 Section 2, Lot 1, Lot 2, Lot 3, Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;
 Section 3, all;
 Section 4, all;
 Section 5, Lot 1, Lot 2, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Section 6, all;
 Section 7, Lot 1, Lot 2, Lot 3, Lot 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 8, S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$;
 Section 9, all;
 Section 10, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Section 11, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 12, all;
 Section 13, all;
 Section 14, all;
 Section 18, Lot 1, Lot 2, Lot 3, Lot 4;
 Section 19, Lot 1, Lot 2, Lot 3, Lot 4;
 Section 22, E $\frac{1}{2}$;
 Section 23, all;
 Section 24, all;
 Section 25, all;
 Section 26, all;
 Section 27, E $\frac{1}{2}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 28, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 30, Lot 1, Lot 2, Lot 3, Lot 4;
 Section 33, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 34, all;
 Section 35, all;
 Section 36, all;

Township 19 North, Range 31 East, Mount Diablo Meridian

Section 2, all;
 Section 3, all;
 Section 4, Lot 1, Lot 2, Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Section 7, Lot 4 East of Stillwater Slough in Parcel 1;
 Section 9, all;
 Section 10, all;
 Section 11, all;
 Section 14, all;
 Section 15, all;
 Section 16, all;
 Section 17, E $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 18, Lot 1 East of Stillwater Slough in Parcel 1, Lot 2 in Parcel 1,
 Lot 3 in Parcel 1, Lot 4 in Parcel 1, SE $\frac{1}{4}$ NW $\frac{1}{4}$ in Parcel 1,
 E $\frac{1}{2}$ SW $\frac{1}{4}$ in Parcel 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 19, Lot 1 in Parcel 1, Lot 2 in Parcel 1, Lot 3, Lot 4, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 19 North, Range 31 East, Mount Diablo Meridian (cont'd)

Section 20, all;
Section 21, all;
Section 22, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, all;
Section 31, all;
Section 32, all;
Section 33, all;

Township 19 North, Range 30 East, Mount Diablo Meridian

Section 13, E $\frac{1}{2}$ E $\frac{1}{2}$, east of Stillwater Slough in Parcel 1;
Section 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ in Parcels 1 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ in Parcel 3, E $\frac{1}{2}$ NW $\frac{1}{4}$
in Parcel 3

RECEIVED

JUN 13 1995

CLERK